

City of Greensboro
North Carolina

Office of City Attorney

March 7, 2008

Mr. Samuel S. Spagnola
The Spagnola Law Firm
100 S. Elm Street, Suite 430
Greensboro, NC 27401

Dear Mr. Spagnola:

As you know, you requested a copy of the RMA Report. It is my understanding you cited News and Observer Publishing Co. v. Poole, 330 N.C. 465 (1992) as authority that the RMA Report is subject to disclosure as a public record. I have reviewed the aforementioned case and it has been discussed with certain staff of the City Attorney's Office. Based upon review of the aforementioned case, neither the court's holding nor its rationale tend to support the proposition that the RMA investigative report is subject to disclosure under the Public Records Law. I have been informed you were previously told by staff of the City Attorney's Office that the RMA Report is not a public record pursuant to North Carolina General Statutes § 160A-168. If you have additional law you wish to be considered by this office, please send it to me for review. In the meantime, based on my understanding of the Public Records Law, the City of Greensboro will not provide you with a copy of the RMA Report because it is not a document falling within the definition of a public record.

The documentation you requested relative to the Greensboro Police Department's Criminal Justice School and redacted minutes of certain closed sessions of the Greensboro City Council have been delivered to the Greensboro Public Affairs Department today. You will receive the aforesaid public records in accordance with normal procedure.

Sincerely,



Becky Jo Peterson-Buie
Acting City Attorney

Cc: Linda Miles, Esq.
ToNola Brown-Bland, Associate General Counsel